

JS-6

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. <b>CV 11-3582-GW(SSx)</b>
Plaintiff,	)	
v.	)	Consolidated With CV 13-9169-GW(SSx)
	)	
ONE WHITE CRYSTAL-COVERED “BAD	)	
TOUR” GLOVE AND OTHER MICHAEL	)	<b>JOINT MOTION AND STIPULATION TO</b>
JACKSON MEMORABILIA;	)	<b>REMOVE ACTIONS FROM COURT’S</b>
REAL PROPERTY LOCATED ON	)	<b>ACTIVE CALENDAR AND ENFORCE</b>
SWEETWATER MESA ROAD IN MALIBU,	)	<b>SETTLEMENT AGREEMENT; ORDER</b>
CALIFORNIA; ONE 2011 FERRARI 599	)	<b>THEREON</b>
GTO,	)	
	)	
Defendants.	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CV 13-9169-GW(SSx)
ONE MICHAEL JACKSON SIGNED	)	
THRILLER JACKET AND OTHER	)	
MICHAEL JACKSON MEMORABILIA;	)	
REAL PROPERTY LOCATED ON	)	
SWEETWATER MESA ROAD IN MALIBU,	)	
CALIFORNIA; ONE 2011 FERRARI 599	)	
GTO,	)	
	)	
Defendants.	)	
	)	

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The more recent of these consolidated civil forfeiture actions – CV 13-9169 GW (“Thriller Jacket”) – was commenced on December 12, 2013, pursuant to 18 U.S.C. § 981(a)(1)(A) and (C), seeking forfeiture of the defendant real property located on Sweetwater Mesa Road in Malibu, California 90265 (the “Defendant Real Property” as more fully described in Attachment B to the United States’

Verified Complaint), one 2011 Ferrari 599 GTO (the “Defendant Ferrari” as more fully described in Paragraph 223 of the United States’ Verified Complaint) and various Michael Jackson Memorabilia (“Defendant Memorabilia” as more fully described in Attachments A-1, A-2 and A-3 to the United States’ Verified Complaint). The Defendant Ferrari and certain Defendant Memorabilia, consisting of Michael Jackson Neverland Ranch Life Size Statues (“Defendant Statues”), were seized by the United States, and remain in the possession of the United States;

On April 28, 2011, the United States commenced the earlier of these consolidated actions – CV 12-3582 GW – (“Glove Case”). A First Amended Verified Complaint was filed in Glove Case on October 13, 2011, and a Second Amended Verified Complaint was filed on June 11, 2012. The United States in the Glove Case sought relief on the same grounds as the instant action against the same assets.

On October 24, 2011, the United States commenced a related action in the United States District Court for the District of Columbia, entitled United States v. One Gulfstream G-V jet Aircraft, et al. (1:11-cv-1874) (“Gulfstream”), also pursuant to 18 U.S.C. § 981(a)(1)(A) and (C). A First Amended Complaint for Forfeiture was filed in that case on June 17, 2013.

Notice was given according to law in all three actions. The United States recorded a lis pendens against and posted notice on the Defendant Real Property. Direct notice was sent to all known claimants in all three cases. Notice of the three actions was also published on the government website www.forfeiture.gov for 30 consecutive days. The time for filing claims and answers has expired.

Claimants Sweetwater Malibu LLC (“Sweetwater Malibu”) and Teodoro Nguema Obiang Mangue (“Nguema”) filed a verified claim to the Defendant Real Property in the Thriller Jacket Case on January 23, 2014, and an amended verified claim to the Defendant Real Property in Glove Case on January 30, 2012. Nguema filed a claim to the Defendant Ferrari and the Defendant Memorabilia, including the Defendant Statues, in the Thriller Jacket Case on January 23, 2014, and an amended verified claim to those assets on January 30, 2012. Nguema and Ebony Shine International LTD (“Ebony Shine”) filed verified claims to the Defendant Gulfstream G-V jet aircraft in the Gulfstream Case on May 29, 2012.

Claimants Sweetwater Malibu and Nguema, jointly and individually, represent that Sweetwater Malibu is the owner of the Defendant Real Property, and that Sweetwater Malibu and Nguema have the right to transfer the Defendant Real Property without the intervention, consent or approval of any other third party. Nguema represents that he is the owner of the Defendant Ferrari and the Defendant

Statues, and has the legal right to transfer title to said assets without the intervention, consent or approval of any other third party.

The United States, Sweetwater Malibu, Nguema and Ebony Shine (collectively, the “Parties”) have stipulated and agreed in a Stipulation and Settlement Agreement (“Settlement Agreement”), which is attached hereto as Attachment A, to a resolution of this action in order to avoid further litigation, and have requested that this Court enter this Joint Motion and Stipulating Staying Proceedings. Pursuant to the terms of the Settlement Agreement, the Parties have agreed to liquidate the Defendant Real Property, the Defendant Ferrari and the Defendant Statues (collectively the “Defendant Res”), and for (i) \$10,300,000 of the proceeds of that liquidation to be forfeited to the United States, and (ii) the remaining proceeds of the liquidation to be distributed pursuant to the terms of the Settlement Agreement.

The Court, having reviewed and considered this Joint Motion and Stipulation, as well as the Settlement Agreement filed by the Parties, and good cause appearing, IT IS ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction over the Defendants in the Thriller Jacket Case and the Glove Case, and the Parties. The Court finds that notice has been given according to law in both actions, and that the time for filing claims has expired.

2. The Settlement Agreement memorializes the resolution of all claims amongst the Parties relating to or arising from the Thriller Jacket Case, the Glove Case, and the Gulfstream Case.

3. Each Party shall cooperate with the other(s) to perform the acts required by the Settlement Agreement, and shall refrain from taking any action that is inconsistent with the Settlement Agreement.

4. The Proceedings in the above-captioned matters are hereby removed from the Court's active calendar pending further order of this Court in order to provide the Parties with an opportunity to execute the Settlement Agreement.

5. The Defendant Real Property, the Defendant Ferrari and the Defendant Statues (collectively the "Defendant Res") shall be liquidated and distributed in accordance with the Settlement Agreement.

6. Upon liquidation of the Defendant Res pursuant to the Settlement Agreement, ten million three-hundred thousand U.S. dollars (\$10,300,000) of the net proceeds of that liquidation is hereby ordered forfeited to the United States and all right, title, and interest in those funds shall vest in the United States and no one else. Pursuant to the terms of the Settlement Agreement, the United States represents that, where practicable and consistent with law, and after deducting its actual case-related costs and expenses, it intends to utilize the

net Settlement Amount for the benefit of the people of the Republic of Equatorial Guinea.

7. Upon notice by the Parties of full satisfaction of the terms of this Settlement Agreement, the Court shall dismiss with prejudice all of the government's remaining claims asserted in the above-referenced actions.

8. The Court retains jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this Order and the Settlement Agreement.

RESPECTFULLY SUBMITTED:

October 13, 2014

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Sweetwater Malibu, LLC

IT IS SO ORDERED.



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The Honorable GEORGE H. WU  
United States District Judge

Signed this 15<sup>th</sup> day of October , 2014.